

Remarks/Arguments

Claims 1 – 3 and 10 – 28 are pending in the application. Claim 1 is independent.

In the present response, claims 1 and 12 are amended. The support for the claim amendments may be found in Applicants' specification, for example, page 7, line 33 to page 8, line 7. No new matter is added.

Rejection of claims 1 – 3 and 10 – 28 under 35 USC 103(a) over Parry et al. (US Patent 6,535,920), hereinafter Parry, in view of Key et al. (US Patent 6,892,285), hereinafter Key (supporting the alleged Official Notice).

Applicants submit that for at least the following reasons, claims 1 – 3 and 10 – 28 are patentable over the combination of Parry and Key.

For example, claim 1, in part, requires

"further to a writing of data of said file in said resources, when all reserved resources are allocated,

deallocating a predetermined quantity of allocated resources depending on the size of the file and on a delay between said read and write pointer, said deallocated predetermined quantity of resources being the cells of the files written first,

reserving new resources for said file,

said deallocation and reserving of new resources keeping constant the size of said file to said predetermined quantity of reserved resources." (Emphases added)

The claimed invention as recited above enables reserving a certain quantity of resources on a storage medium, said quantity of resources being kept constant by reserving new resources when the reserved resources are all allocated and deallocating used resources in order to keep constant the size of the file. Thus, the claimed invention enables keeping the quantity of reserved resources constant however, the reserved resources may be anywhere on the recording medium, and also enables the possibility to read the data during a certain period of time. Accordingly, as

new resources are reserved, the predetermined quantity of reserved resources may not be fixed. This is clearly not at all the behavior of a circular buffer where a quantity of resources is fixed and always at the same position on the recording medium.

In the final Office Action, page 2, the Office contends that the circular buffer is equivalent to applicants' previously recited file. Applicants submit that the circular buffer disclosed by Parry is clearly different from the claimed resources because the size of the circular buffer is not based on resources already used, as Parry discloses that the buffer always has a fixed maximum time quantum of data for reading (column 8, lines 1 – 3). The circular buffer of Parry always uses the same resources on the medium and does not use new resources.

Therefore, Parry fails to teach or suggest the above claimed features. Applicants further submit that Key does not in any way cure the deficiencies present in Parry as discussed above because Key only discloses buffers using FIFO memories which is a dedicated resource with no allocation of new resources.

Moreover, in Applicants' claimed invention, because of the deallocating of a predetermined quantity of allocated resources depending on the size of the file and on a delay between said read and write pointer, the data which are read are always data which are in the continuity of the data read before, and therefore for the temporary recording of stream data, such as audio video data, it is very advantageous. Applicants submit that such advantage is not realized by the teachings of Parry and Key.

Therefore, it is not obvious for a skilled person to modify Parry's teaching in view of Key to arrive at the claimed invention.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Parry and Key. Claims 2, 3 and 10 – 28 depend from and inherit all the features of claim 1. Therefore, claims 2, 3 and 10 – 28 are patentable for at least the reason that they depend from claim 1, with each claim containing further distinguishing features.

Withdrawal of the rejection of claims 1 – 3 and 10 – 28 under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
ABELARD et al.

By: /Reitseng Lin/
Reitseng Lin
Attorney for Applicants
Registration No. 42,804

THOMSON Licensing LLC
PO Box 5312
Princeton, NJ 08543-5312

Date: 9/9/10